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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(San Joaquin)

In re J.R., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.R.,

Defendant and Appellant.

C063611

(Super. Ct. No. 66467)

A petition filed September 25, 2009, alleged that the 17-year-old minor, J.R., who had previously committed misdemeanor second degree burglary (Pen. Code, § 459) and been declared a ward of the court under Welfare and Institutions Code section 602, violated probation in that he had failed: to attend school, to obey the directions of a probation officer, to avoid being excluded from school due to misconduct, and to participate in the Kids Alcohol and Drug Alternative Program (KADAP).

The following facts were adduced at a contested hearing on October 23, 2009, and November 6, 2009. At 12:50 p.m. on

September 11, 2009, Deputy Probation Officer Adam Salas saw the minor on the street walking. School was in session until 1:30 p.m. The minor's teacher was unaware that the minor had left campus.

On September 14, 2009, the minor was suspended for two days for leaving campus without permission. He did not return to school on September 16, 2009, and was absent that day as well as the next two days.

Salas received an excuse slip from a doctor reflecting an appointment at 11:00 a.m. on September 16, 2009, and at 8:30 a.m. on September 18, 2009. The excuse slip did not reflect that the appointments were for the entire day or that the minor should be excused for the rest of the day. KADAP rules required the minor to notify probation by 10:00 a.m. if the minor would miss school for illness but the minor still had to appear for drug testing if probation so required. The minor and his mother were informed of this rule. The minor did not notify probation prior to any days with unexcused absences.

Probation Unit Supervisor Robin Toschi personally knew that the minor failed to attend school. Her office is on campus. She received a document from the Office of Education reflecting that the minor had been suspended on September 14, 2009.

The minor's mother claimed that Toschi thought the minor did not belong in KADAP because of his medical issues and medication. Mother provided excuse slips from a dentist and the minor's doctor which excused the minor from school from September 17, 2009, to September 25, 2009. Mother provided the

slips to Toschi after the fact and in response to being called by KADAP. Mother knew the rule required the minor to call the day of the absence. Mother claimed that on September 11, 2009, the minor told his teacher he was ill and the teacher called mother. Mother informed the teacher that she would not pick the minor up but the teacher did not tell the minor. When Mother eventually arrived, the minor was on the grass in front of the school.

On November 6, 2009, the court found the minor to be in violation of probation, finding mother's testimony "biased" and "somewhat unbelievable." The court terminated the minor's placement in KADAP. Pending a dispositional hearing scheduled for November 24, 2009, the court committed the minor to county camp for 180 days which had been previously stayed pending successful completion of KADAP.

About noon on November 8, 2009, county camp staff noticed the minor was missing. About 40 minutes later, the minor was seen coming out of some bushes and getting into a car which drove away.

An amended petition filed November 19, 2009, alleged that the minor committed an escape from a juvenile hall facility, a misdemeanor (Welf. & Inst. Code, § 871) and notified the parties that the People intended to aggregate the maximum term of commitment based on previously sustained petitions.

On November 20, 2009, the minor admitted that he had committed a misdemeanor escape from a juvenile hall facility and admitted the aggregation for the previously sustained petitions.

The court then granted the People's motion to dismiss the allegation of a violation of probation based on the same facts. The court vacated its prior order of a commitment to camp and ordered the minor committed to the Juvenile Justice Center for 360 days with credit for 13 days.

On November 19, 2009, the minor filed a notice of appeal, stating that he was appealing from the following: "Contested violation of probation hearing held on October 23, 2009 and November 6, 2009" and the "dispositional orders and findings made on November 6, 2009 in the same department before the same judicial officer." The minor did not file a notice of appeal from the November 20, 2009, order.

We appointed counsel to represent the minor on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) The minor was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from the minor. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to the minor.

DISPOSITION

The judgment (order of commitment) is affirmed.

_____HULL_____, Acting P. J.

We concur:

_____ROBIE_____, J.

_____BUTZ_____, J.